

EXHIBIT 21

STATE of TEXAS

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COUNTY OF HARRIS

DECLARATION OF CHRISTOPHER G. HOLLINS,
HARRIS COUNTY CLERK

Pursuant to 20 U.S.C. § 1746, I, Christopher G. Hollins, declare as follows:

1. My name is Christopher G. Hollins. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am submitting this declaration to explain the impact of the Governor’s Proclamation of October 1, 2020 (the “Proclamation”), on the election process in Harris County, and to provide the Court with current information about election planning, conduct, and implementation.

Early Voting Clerk Role, Harris County, and the Governor’s Proclamations

3. As Harris County Clerk, I am the early voting clerk for Harris County, Texas. *See* TEX. ELEC. CODE § 83.002. As “early voting clerk,” I have the authority and duty to “conduct the early voting,” which includes early voting both in person and by mail. TEX. ELEC. CODE §§ 83.001, 83.002. Before serving as County Clerk, I spent the majority of my career with one of the world’s leading management consulting firms, where I flourished in applying analytics and organizational best practice to revamp public safety, defense, and security agencies. My experience includes vastly improving safety and operational outcomes for one of the largest public safety agencies in the United States and advising the Pentagon on cost savings related to the Joint Strike Fighter (F-35) program, the most expensive military program in human history

4. I have the duty to administer elections in the most populous county in Texas, with 4.7 million people, 2.4 million registered voters (14% of the registered voters in Texas)¹, and a highly diverse electorate. Harris County is also the fourteenth largest county in Texas geographically, and by far the largest urban county, stretching over nearly 1,800 square miles. Traveling from the County’s northwest corner to the current location of the main election office is more than a 100-mile round trip. As an urban county, Harris County often has extreme traffic congestion — even during the pandemic — and traveling across the county to a central location and back can easily take at least half a day by car and all day by public transportation (if any public transportation is available in the voter’s home area).

5. Greg Abbott, Governor of Texas, announced plans to expand early voting for the November General Election in May and issued a proclamation doing so on July 27. This was not unexpected, or unprecedented, since Governor Abbott issued a similar proclamation to expand early voting in the July Primary Runoff Election. Patrick Svitek, *Texas will extend early voting period this fall, Gov. Greg Abbott says*, Tex. Trib., May 28, 2020, <https://www.texastribune.org/2020/05/28/texas-2020-early-voting-greg-abbott-coronavirus/>; Gov. Greg Abbott, Proclamation, July 27, 2020 (“July 27 Proclamation”).

6. Governor Abbott’s decision to expand the number of early voting days was crucial because it enabled voters to cast their ballots while maintaining social distance and empowered those who plan and conduct elections to help voters avoid long lines and maintain social distance in what is sure to be the highest turnout election in Texas history. Governor Abbott’s July 27 Proclamation also allowed voters to return their completed mail-in ballot in person at any time, not just on Election Day. Prior to his Proclamation, Texas law provided that voters may return their ballots by mail, by common carrier, or in person, but if they do so in-person they may only

¹ See data.census.gov.; https://www.hctx.net/Voter/Voter_Demographic/VoterVisualization.
DECLARATION OF CHRISTOPHER G. HOLLINS – Page 2 of 12

do so on Election Day to the early voting clerk's office while the polls are open and show identification just as they would if voting in person. TEX. ELEC. CODE § 86.006. If a ballot is returned in violation of Section 86.006 it “may not be counted.” *Id.*, § 86.006(h). Thus, it is **very important** that the legality of methods of returning mail-in ballots be very clear, or votes may be challenged in an election contest.

Logistics of Planning an Election During the Pandemic

7. Elections are extraordinarily complex to plan and implement in a democracy, even when there is not a global pandemic raging. American democracy requires that **every** eligible voter have effective access to a ballot and be provided reasonable and safe opportunities to cast their votes securely and privately because voting is an individual right, not a collective one. *Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018). The larger and more diverse a community, and the higher the expected turnout, the more difficult this becomes. Multiple mechanisms of voting are useful, as they are more likely to accommodate voters. These include voting by mail, voting in-person during the Early Voting period, voting in-person on Election Day, curbside voting for people with disabilities, and other accommodations for voters with special needs.

8. Prompted by the challenges of conducting an election during a pandemic, our office has engaged in several innovative practices for the general election. We moved our elections office from a downtown, crowded location with limited parking and interior space to the NRG Arena—a large convention-hall style space. The early voting ballot board (“EVBB”), which has been dramatically expanded in size, will work at NRG rather than downtown. This enables all election workers to socially distance while working. NRG Arena will also serve as an early voting location and an Election Day location.

9. The day before the July 14 runoff election, I announced that voters had multiple drop-off locations for mail-in ballots available to them. Exhibit A, Harris County Clerk Chris

Hollins Announces Vote by Mail Drop-Off Locations, July 13, 2020, https://www.harrisvotes.com/PressReleases/Vote%20By%20Mail%20Drop-off_en-US.pdf. These locations included our then-election headquarters, as well as our ten County Clerk annex offices. In-person drop-off was only available on Election Day, as ballots could legally only be returned in-person on that day before the July 27 Proclamation. We had no security or other logistical issues related to in-person ballot drop-off on July 14—the use of multiple drop-off locations was a success and a needed service for Harris County voters. Neither the Governor’s Office nor the SOS complained to me about using our annex offices for this purpose. In fact, our office received no complaints whatsoever until the last several days, when certain partisan elements began to attack the use of multiple drop-off locations. These complaints culminated in the Governor’s October 1 Proclamation.

10. Although voter behavior can be unpredictable, especially when implementing new election or business processes, or when conducting an election in unusual circumstances such as during the ongoing pandemic, deep analysis of past voting data and current voting conditions is extremely helpful toward planning a given election.

11. I anticipate at least 1.6 million Harris County voters will exercise their right to vote during this fall’s general election. For planning purposes, the Clerk’s office has encouraged voters to vote by mail if they are eligible, or otherwise to vote during the Early Voting period (and as early as possible during that voting period). Our goal is to frontload voters as much as possible so that on Election Day itself, lines will be minimized to better enable social distancing for the safety of voters and election workers alike. Because of the ongoing pandemic and the highly anticipated nature of the election, I expect higher than usual rates of voting by mail in the upcoming general election. I estimate there will be 300,000-600,000 voters who vote by mail, one million to 1.3

million voters who vote early in person, and 300,000 to 500,000 voters who vote on Election Day in person.

12. In past general elections, there have typically been around 100,000 mail-in ballots cast. The July runoff saw a sharp increase both in voter turnout and the ratio of voters who vote by mail. As of today, we have received more than 200,000 applications to vote by mail, more than double the total mail-in ballots received in prior elections. Of these 200,000+ applications, 89% are from voters aged 65 or older.

13. As part of our efforts to encourage voting by mail so that fewer voters have to pass through polling location doors, in mid-September we mailed applications to all registered voters over the age of 65 who had not already requested a ballot. We had planned on mailing to all registered voters who had not yet requested a ballot by mail, but we have been slowed by a lawsuit filed by the State of Texas at the request of the Texas Secretary of State (“SOS”), *State v. Hollins*, No. 2020-52383 (127th Dist. Court, Harris County). That case is currently awaiting decision at the Supreme Court of Texas after a September 30 oral argument. *See State v. Hollins*, No. 20-0739, Tex. Sup. Ct.), <http://www.search.txcourts.gov/Case.aspx?cn=20-0729&coa=cossup>. Should we succeed in the case, approximately 1.9 million additional applications, accompanied by detailed information on who is eligible to vote by mail, will be sent through the U.S. Postal Service (“USPS”).

14. I have conducted detailed modeling and analysis to determine the likely turnout, methods of voting that voters may choose (mail-in ballots, early voting in person, or Election Day), and the best allocation of resources to meet voter demand without creating long lines or other circumstances where social distancing would not be possible. The quantity and location of early voting locations have been set for over a month, and the ballot drop-off locations have been set since mid-July.

15. Since the Governor’s July 27 Proclamation, Harris County has made plans to again make our annex offices available for mail ballot returns.

16. We arranged to apply the same ballot collection and security protocols at each drop-off location, whether at election administration headquarters or elsewhere. All ballot drop-off locations are equally secure. We trained enough staff at each location in election protocols and rules so that two such trained employees are present at all times while the location is accepting ballots. Attached as Exhibit B is a document we used for training staff. It requires staff to ensure that (1) the voter signs a roster (just as they would when voting in-person), *See* Exhibit C, Hand-Delivery Signature Roster, (2) the voter presents valid identification to comply with Section 63.0101 (just as they would when voting in-person), and (3) the voter signs the carrier envelope (just as they would when sending their ballot by mail).

17. Ballots are then placed in a “mail ballot tub.” This is a locked ballot box designed by our long-time vote-by-mail director, which has a slit large enough for a ballot carrier envelope but small enough that fingers or tools cannot be forced inside the box to tamper with ballots. The box is sealed by tamper-proof seals. Working in pairs, staff delivers these sealed, tamper-proof boxes to NRG Arena daily for processing. This process is more secure than the voter using the mail system, in that the ballots are kept in sealed, secure boxes from the moment they leave the voter’s hand. There is no unexpected administrative burden to collect ballots from the eleven annexes and transport them to our headquarters — we have planned and budgeted for this effort in order to provide the best and most secure service to Harris County voters.

Issues with the Mail-In Ballot Drop-Off Locations and Poll Watchers

18. The training document also describes the presence of poll watchers, which we welcomed to the annex drop-off locations. The first few days of ballot drop-off, poll watchers were present at multiple locations. Unfortunately, there were issues with persons engaging in poll

watching acting inappropriately, such as standing very close to voters (which is very discomforting during the pandemic), photographing voters (which is illegal in polling places, as you may not have recording devices in a polling place, TEX. ELEC. CODE § 61.014), and refusing to sign their poll watcher forms. TEX. ELEC. CODE § 33.051(b). These disruptions prompted our office to seek guidance from the SOS. Attached as Exhibit D is the legal guidance we received from that office declaring that poll watchers were not allowed at such locations at all. This was contrary to our plans and intentions as indicated by the training materials in Exhibit B.

19. Because of these issues, I support the aspects of the Proclamation that make it clear that Chapter 33 of the Election Code applies to drop-off locations. I welcome poll watchers to ensure transparency and confidence in the election process. I also welcome the Governor's support of poll watchers following the law and not illegally recording or harassing voters or election staff.

The Effect of the Governor's Proclamation

20. This last-minute change to election procedures is causing voter confusion. Reducing our drop-off locations from twelve (the ten annexes, our historical headquarters, and our new headquarters at NRG Arena) to one will increase congestion as the volume of ballot returns increases over the next few weeks. Particularly because of the widely-publicized problems with the U.S. Postal Service, some voters may have trouble receiving their ballot until close to Election Day, and will thus have to return their ballot in person in order to ensure it is returned on time. *See* Exhibit E, USPS Ltr. to SOS, July 30, 2020 (warning that first-class U.S. mail will take one week for delivery). If we are forced to reduce to one location, I anticipate that toward the end of early voting and especially on Election Day, we will see massive lines to return ballots in person. In addition, voters without reliable transportation will be unable to get to NRG Arena from their homes (which could be more than fifty miles away) in time to have their vote counted.

21. Our multiple ballot drop-off locations have been advertised to voters via social media, media interviews, and other methods. The *Harris Votes* website contained instructions on where and how to hand-deliver ballots referencing the twelve distinct locations. Exhibit F, Harris Votes, Frequently Asked Questions, visited Sept. 27, 2020 (referencing Find an Office, <https://www.cclerk.hctx.net/ContactUs.aspx>).

22. Since the Governor's October 1 Proclamation, we have chosen NRG Arena as the single mail-in ballot drop-off location because it is our headquarters for the general election. Reducing the drop-off locations from twelve to one will not enhance security of the ballots in any way, as it will force more voters to use USPS rather than see their ballot securely delivered straight to a sealed, secure ballot box.

23. The Proclamation will make it much more difficult for some voters to return their ballots by limiting counties to only one drop-off location during the early voting period. Harris County is a large county. NRG Arena sits in the southern portion of the County. The size of the County, and the location of our Houston headquarters, would make it difficult, if not impossible, for some voters to return their ballots to only that single drop-off location. This will undoubtedly force some voters to decide if they will risk their health by voting in person or if they instead will not vote at all. No Texas voter should have to make that decision.

24. In my experience, rural voters, voters who live furthest from the county drop-off location, lower-income voters, and voters without access to transportation have the hardest time traveling significant distances to vote or drop off their ballots.

25. This change also burdens the Clerk's Office administratively and was already extremely disruptive especially given the one-day notice for the change. We are having to change our voter education materials, our website, and our staff training. I also expect that the Proclamation will cause substantial confusion among voters as to where they can drop off their

ballots during the early voting period. Our call centers have been inundated with voter inquiries about their rights in light of the Proclamation, and we have had to field calls from other elected officials' offices, who are themselves flooded with calls.

Security of Mail-In Ballots

26. In my experience, and given the careful planning and process vetting by my office, the ballot drop-off locations are secure. We have chain-of-custody documentation for the ballot boxes. We have rosters requiring signatures so that each batch has an audit trail as to the count of ballots and a way of verifying that it was in fact the voter who dropped off the ballot. Further, Clerk's Office personnel check the identification of every voter as they would if the voter was voting in person. In my experience, Texas does not have a wide-scale problem with election fraud. Mail-in ballots are highly regulated and loaded with paper trails so that any irregularity is spotted and addressed.

27. The mail-in ballot process contains many, heavily regulated steps.

28. We send ballots out to voters on a continuous basis. Typically, about forty-five (45) days before an election, we prioritize sending ballots to military and overseas voters, then to others who requested to vote by mail. This was done on September 19. On September 28, we sent the first batch of non-FPCA mail-in ballots, more than 180,000. From here, we send out ballots on a rolling basis as the requests come in and are processed.

29. After voters mark their ballots, they must place the ballot in a ballot envelope, which is then placed in a carrier envelope. The carrier envelope must be sealed, and the outside of the envelope must be signed by the voter. TEX. ELEC. CODE § 86.005. After voters send their ballot to our office, whether by in-person delivery or not, a very labor-intensive process begins.

30. The EVBB processes the mail-in ballots. TEX. ELEC. CODE § 87.001 *et seq.* The ballot board is selected according to TEX. ELEC. CODE § 87.001 to 87.006. The signature

verification committee is selected according to TEX. ELEC. CODE § 87.027. The EVBB must review ballots that have been returned and verify signatures via its Signature Verification Committee. TEX. ELEC. CODE § 87.027. This is a manual ballot-by-ballot process conducted on a continuous basis during the early voting period. The individuals who serve on the EVBB tend to have significant experience and work in pairs, with a representative of each major political party present.

31. Both the EVBB and the Signature Verification Committee are bi-partisan committees of citizens who are compensated with a modest sum. They process the ballots by:


- Determining if the carrier envelope has been properly executed;
- Reviewing the voter's signature on the carrier envelope to ensure it matches that on the mail ballot application, and that both signatures have been executed by the voter; unless the voter chose to use a witness;
- Making sure the voter's application states a legal ground for voting by mail;
- Making sure the voter is in fact registered to vote; and
- Ensuring the ballot was mailed to the proper address, among other tasks.

TEX. ELEC. CODE § 87.041(b). Only when the EVBB has determined the ballot meets these requirements will it accept the ballot for counting. TEX. ELEC. CODE § 87.041(a), (c). Then the ballots are separated from the envelopes and prepared for counting. TEX. ELEC. CODE § 87.042; *see also* Tex. Sec. of State, *Processing and Counting Early Voting by Mail Ballots*, Elec. Adv. No. 2020-20, July 2, 2020. To ensure voters do not vote twice, a “poll book” is kept electronically where election workers note when a ballot has been issued to a voter whether by mail or in person. TEX. ELEC. CODE §§ 63.003, 86.001(g), 87.122(a). If a voter who applied for and received a mail-in ballot then wishes to vote in person, the voter must surrender that ballot, and documentation is kept. TEX. ELEC. CODE § 84.032(c).

32. Ironically, voters returning mail-in ballots in person is more secure than returning by mail because (1) there is no danger of tampering or loss of the ballot in transit and (2) voters who return ballots in person must sign a roster and present voter ID. Thus, any concern about security of in-person drop-off of mail ballots is unfounded.

I declare under penalty of perjury that the foregoing is true and correct.

Date: October 3, 2020


By: _____
Christopher G. Hollins
Harris County Clerk

Exhibits

Harris County Clerk Chris Hollins Announces Vote by Mail Drop-Off Locations, July 13, 2020, https://www.harrisvotes.com/PressReleases/Vote%20By%20Mail%20Drop-off_en-US.pdf	A
Harris County Clerk, Process to Hand-Deliver Mail Ballots to the Early Voting Clerk's Office	B
Hand-Delivery Signature Roster, SOS form 5-11A	C
SOS email, Sept. 29, 2020 re poll watchers.....	D
USPS Ltr. to SOS, July 30, 2020 (highlighted)	E
Harris Votes, Frequently Asked Questions, visited Sept. 27, 2020	F



Chris Hollins · Harris County Clerk

FOR IMMEDIATE RELEASE

July 13, 2020

CONTACT: Communications & Voter Outreach

County.Clerk@cco.hctx.net

(713) 274-9550

Harris County Clerk Chris Hollins Announces Vote by Mail Drop-Off Locations

Voters Can Drop Off Their Vote by Mail Ballots at 11 Locations Across the County on Election Day

(Houston, TX) – On Election Day, July 14, voters who received mail ballots but were unable to mail in their ballots on time can go in-person to 11 locations across the County to drop off their ballot. This is the first time in recent history that there has been more than a single drop-off location in Harris County. The voter must go in-person to one of the 11 locations to verify their identity for their vote to be counted. Locations will be open during polling center hours, from 7:00 AM to 7:00 PM on Election Day, Tuesday July, 14.

“We increased mail ballot drop-off locations for Election Day as another method for voters to cast their ballots safely and expand voter access for the people of Harris County,” **said Harris County Clerk Chris Hollins.** “Voters who applied to vote by mail but were unable to mail in their ballots on time can now take their completed ballots to any one of the 11 locations and know their vote will be counted. No Harris County resident should have to make a decision between their health and their Constitutional right to vote.”

Vote by Mail Drop-off Locations:

1. Baytown
701 West Baker Rd., Baytown TX 77521
2. Chimney Rock
6000 Chimney Rock Road, Houston TX 77081
3. Clay Road
16715 Clay Road, Houston TX 77084
4. Clear Lake
16603 Buccaneer Lane, Houston TX 77062
5. Cypresswood
6831 Cypresswood Drive, Spring TX 77379
6. Humble
7900 Will Clayton Pkwy, Humble TX 77338
7. North Shepherd
7300 N. Shepherd Drive, Houston TX 77091
8. Pasadena
101 S. Richey Street, Pasadena TX 77506
9. South Belt
10851 Scarsdale Blvd., Houston TX 77089
10. Wallisville
14350 Wallisville Road., Houston TX 77049
11. Downtown
1001 Preston Street, Houston TX 77002

For more election information, visit HarrisVotes.com and follow @HarrisVotes on Facebook, Twitter, and Instagram.

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EXHIBIT A



PROCESS TO HAND-DELIVER MAIL BALLOTS TO THE EARLY VOTING CLERK'S OFFICE

Office of Chris Hollins, Harris County Clerk

201 Caroline St., Suite 640, Houston, TX 77251-1525

1

Introduction

On July 27, 2020, Texas Governor Greg Abbott issued a Proclamation expanding the period in which marked mail-in ballots may be hand-delivered in person by the voter to the early voting clerk's office. The Proclamation provides that marked ballots sealed in the fully executed carrier envelope may be hand-delivered to the early voting clerk's office by the voter prior to the start of early voting, during early voting and by 7:00 p.m. on Election Day. Under normal circumstances, the Election Code limits hand-delivery of mail ballot to Election Day.

The following instructions provide guidelines to help designated Deputy County Clerks carry out the Governor's proclamation and safeguard the mail ballot delivery process from September 21 through November 3, 2020.

Please be aware that hours of operation may be extended during the November Election Early Voting Period which runs from October 13-30.

2

Step 1: Staging Mail Ballot Delivery Location

1. Ensure that directional signs related to the Vote by Mail Ballots Delivery process such as entry, hours, and procedures are posted and are clearly visible to voters when driving or walking.
2. Place sealed Ballot Tub behind counter in an area that is only accessible to authorized personnel and where it is never out of the sight of designated Deputy County Clerks.
3. Keep required administrative election forms, Reasonable Impediment Declaration and Daily Mail Voter Roster, with the corresponding Mail Ballot Envelope Tub.



4. Keep instructions binder nearby for quick reference. NOTE: Voters are not required to wear a mask to drop off mail ballots.

3

Staging continued: Curbside Buzzer for for Mail Ballot Delivery

5. Place curbside buzzer outside the facility where it is accessible to all voters, including voters with disabilities.

- Test the Buzzer!
 - During setup
 - Prior to opening
 - Throughout the voting period



6. Keep in mind that this is an election process that is subject to public inspection.

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Step 3: Daily Curbside Interaction with Voters hand-delivering mail ballot

A voter may opt to hand-deliver their mail ballot carrier envelope without exiting their vehicle. If this occurs,

- The designated Deputy County Clerk may process the voter at the curbside just as a voter is processed inside the facility. However, in this instance, two clerks are required, one to conduct the transaction and the other to witness it.
- a voter must present acceptable form of identification,
- designated Deputy County Clerk must verify voter's ID to name on the ballot envelope (NOT the address),
- designated Deputy Clerk must enter voter's name on roster
- Voter must sign the roster. The roster can be taken to vehicle.
- Designated Clerk will bring ballot envelope into office and deposit the ballot envelope in the Mail Ballot Tub.



Make sure the voter has signed the mail ballot carrier envelope where required.

7

Step 4: Mail Ballot Tub, Use, Safeguarding and Delivery

- Once a Mail Ballot Tub is full of mail ballot envelopes, the filled Mail Ballot Tub must be secured in the office's safe box. Corresponding Roster and Reasonable Impediment Declarations must be deposited in the tub.
- Do Not Open Seals on the Tub/Tubs or Break the Seals on any Tub/Tubs.
- Fill out transmittal form before delivering Mail Ballot Tub to Election headquarters. Two (2) clerks must sign the transmittal form and any chain of custody records.
- Two (2) clerks must deliver Mail Ballot Tubs to Voting By Mail team at election headquarters at the end of the day. Tubs must be secured inside a vehicle. If needed, two separate vehicles may be employed for delivery.
- Designated Deputy Clerk(s) must prepare a new Mail Ballot Envelope Tub for use as required.

8



Voting By Mail Department:
Jennifer Colvin
713-755-3150
vbm@harrisvotes.com

**For
More
Information**

NOVEMBER 3, 2020 SPECIAL EXTENDED HAND-DELIVERY PERIOD
SIGNATURE ROSTER - HAND-DELIVERY OF BALLOT BY MAIL

Type of Election		Polling Location
Date of Election		Office of the Early Voting Clerk
November 3, 2020		Authorizing Conducting Election

	Signature of Voter (Firma del Votante)	Poll List (Lista de Votantes)	VUID # (if known)	Date and Time of Delivery	Acceptable Form of ID	RID	Printed Name of Election Official Who Received Carrier Envelope
				/ /2020			
10				/ /2020			
9				/ /2020			
8				/ /2020			
7				/ /2020			
6				/ /2020			
5				/ /2020			
4				/ /2020			
3				/ /2020			
2				/ /2020			
1				/ /2020			

NOTE: A voter may only deliver his or her own personal ballot. NOTA: Un votante solo puede entregar su propia boleta personal.

Instructions:

1. Ask the voter to present an acceptable form of photo ID when he or she presents the Carrier Envelope for hand-delivery.
 - a. If the voter does not have an acceptable form of photo ID, ask the voter for a supporting form of ID and have the voter execute the Reasonable Impediment Declaration.
2. Add the voter's name to the Poll List column of the Roster and instruct the voter to sign the signature column on the corresponding numbered line.
3. Write the VUID number, if known, in the VUID # column.
4. Write the date and time of delivery in the "Date and Time of Delivery Column." Put the date on top and the time below it.
5. Check the appropriate column to note whether the voter had an approved form of photo ID or executed a RID.
6. Write the name of the Election Official who received the ballot from the voter.
7. Write "Hand-Delivery" and note the time and date the Ballot by Mail was hand-delivered on the Carrier Envelope.
8. Upon receipt of the Carrier Envelope, secure the Ballot by Mail until its delivery to the Early Voting Ballot Board.

If the voter does not have an approved form of ID to complete the Ballot by Mail hand-delivery process, he or she can return to an Early Voting or Election Day voting site to vote a provisional ballot in person.

If the voter insists on leaving the Carrier Envelope without presenting an approved form of ID, the ballot will be treated as a ballot not timely returned and therefore, not counted.

From: Christina Adkins
 Subject: Poll watchers not permitted at EV clerk's office
 Date: September 29, 2020 at 12:52 PM
 To: Wynn, Michael (CCO)
 Cc: Keith Ingram

Michael,

As we discussed on the phone, the Texas Election Code provides that poll watchers can serve at a precinct polling place (33.052), an early voting polling place (33.053), an early voting ballot board meeting (33.054), and at the central counting station (33.055). The Texas Election Code does not provide that a poll watcher is permitted to serve at the early voting clerk's office. Therefore, poll watchers are not permitted to be present to observe the hand delivery of mail ballots as this action occurs at the early voting clerk's office.

Please let me know if you have any additional questions.

Thank you,

Christina Worrell Adkins

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

THOMAS J. MARSHALL
 GENERAL COUNSEL
 AND EXECUTIVE VICE PRESIDENT



July 30, 2020

Honorable Ruth Hughs
 Texas Secretary of State
 P.O. Box 12887
 Austin, TX 78711-2887

Dear Secretary Hughs:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Texas' election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are *both* postmarked by Election Day *and* received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Wednesday, November 4, voters should mail their ballot by Wednesday, October 28, to allow enough time for the ballots to be delivered by November 4. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 11 days before the election, and that a completed ballot must be postmarked by Election Day and received by the day after the election to be counted. It also appears that law does not appear to require election officials to transmit a ballot by mail until seven days after receiving a ballot application. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is mailed to the voter 7 days after the request is received, there is a risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. Even if the requested ballot reaches the voter by Election Day, there is a significant risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or near Election Day will not be delivered in time to meet the state's receipt deadline of November 4. As noted above, voters who choose to mail their ballots should do so no later than Wednesday, October 28.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicelection-mail-coordinators.pdf>.

- 3 -

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,


A handwritten signature in black ink, appearing to read "Thomas J. Marshall". The signature is fluid and cursive, with the first name "Thomas" and last name "Marshall" clearly distinguishable.

Thomas J. Marshall


ELECTION DIVISION

KNOWLEDGEBASE


NEXT ELECTION: NOVEMBER 03, 2020 - GENERAL AND SPECIAL ELECTIONS
LAST DAY TO APPLY FOR BALLOT BY MAIL (RECEIVED, NOT POSTMARKED): OCTOBER 23, 2020
EARLY VOTING: OCTOBER 13, 2020 - OCTOBER 30, 2020




Voting by Mail
(/Voting info? ang=en US#VoteByMail)




Posting locations
(/Wait times? ang=en US)




Sample Ballot
(/Sample Ballots? ang=en US)



Election Workers
(/Election Workers? ang=en US)



Candidates & Ethics
(/Candidates & Ethics? ang=en US)



Voting FAQ
(/FAQ? ang=en US#earlyVotingFAQ)

Knowledgebase

- Voting Process
- Early Voting
- Election Day
- Primary Election
- Contact Us

KNOWLEDGEBASE

FREQUENTLY ASKED QUESTIONS

[Voting Process](#)[Early Voting](#)[Election Day](#)[Primary Election](#)[Voting By Mail](#)

[+ WHO CAN VOTE BY MAIL?](#)



- + WHAT QUALIFIES AS HAVING A DISABILITY, AND WHAT DOES THAT MEAN IN THE AGE OF CORONAVIRUS (COVID-19)?
 - + WHEN CAN I APPLY TO VOTE BY MAIL? IS THERE A DEADLINE?
 - + WHERE CAN I GET AN APPLICATION TO VOTE BY MAIL?
 - + WHAT IF I'M NOT REGISTERED TO VOTE?
 - + DO I HAVE TO APPLY TO VOTE BY MAIL FOR EACH ELECTION?
 - + CAN I RECEIVE ASSISTANCE WITH FILLING OUT THE VOTE BY MAIL APPLICATION?
 - + HOW DO I SUBMIT MY APPLICATION TO VOTE BY MAIL?
 - + WHEN WILL I GET MY VOTE BY MAIL BALLOT?
 - HOW DO I RETURN MY COMPLETED BALLOT TO THE ELECTION OFFICE? IS THERE A DEADLINE?
- A completed mail ballot MUST be returned to the Harris County Clerk's Office in the Office a Carrier Envelope provided to you. It may be returned in any of the following manners:
1. Regular resident mail via United States Postal Service;
 - a. Ballot must be postmarked by 7:00 p.m. on Election Day and must be received by 5:00 p.m. on November 4 (the day after Election Day)
 2. In person drop off at any of the [Harris County Clerk's Annex locations](https://www.harrisvotes.com/VotingInfo?lang=en_US#Ds) (https://www.harrisvotes.com/VotingInfo?lang=en_US#Ds) during regular business hours through Election Day, November 3, 2020, at 7:00 p.m.;
 - a. You must present an acceptable form of [photo identification](https://www.harrisvotes.com/VotingInfo?lang=en_US#Ds) (https://www.harrisvotes.com/VotingInfo?lang=en_US#Ds)
 - b. If a voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the voter may show a List B identification (https://www.sos.state.tx.us/elections/forms/d/poster_8.5x14_aw_voter.pdf) and complete a reasonable impediment declaration (RID)
 - c. Only the voter may deliver the ballot in person
 3. Common or contract carrier, such as personal courier, or FedEx or UPS, or other contracted mail service
 - a. Ballot must be received by 7:00 p.m. on Election Day
 - b. If the carrier provides receipt marked indicating a time before 7:00 p.m. on Election Day, it may be received by 5:00 p.m. on November 4 (the day after Election Day)
- + ARE THERE DIFFERENT DEADLINES IF I AM OVERSEAS OR SERVING IN THE MILITARY? ^
 - + WILL MY VOTE BY MAIL BALLOT COUNT IF I CHOOSE NOT TO VOTE ON CERTAIN ISSUES OR CANDIDATES?
 - + HOW DOES THE HARRIS COUNTY CLERK'S OFFICE PROCESS MY VOTE BY MAIL BALLOT SECURELY?
 - + HOW IS MY SIGNATURE VERIFIED?
 - + WHEN IS MY VOTE BY MAIL BALLOT COUNTED?
 - + CAN I VOTE IN PERSON IF I RECEIVED A VOTE BY MAIL BALLOT? WHAT ABOUT IF I SUBMITTED A VOTE BY MAIL APPLICATION AND NEVER RECEIVED A BALLOT?
 - + CAN I CHANGE MY VOTE AFTER I VOTE BY MAIL?
 - + DOES MY VOTE BY MAIL BALLOT NEED STAMPS?
 - + HOW CAN I CHECK TO SEE IF MY VOTE BY MAIL BALLOT HAS BEEN MAILED OR RECEIVED?

ELECTION DIVISION

CONTACT US

Information is vital to accessing the voting process. For this reason, we encourage you to contact us if you have a question, need assistance or have a suggestion.



Elections Department

Harris County Administration Building
1001 Preston, 4th Floor, Rm. 439
Houston, TX 77002
(<https://www.google.com/maps/d/r/Current+Location/1001+Preston+St+Houston,+TX+77002/@/>)

Voting By Mail
1 NRG Parkway
Houston, TX 77054
(<https://www.google.com/maps?daddr=1+NRG+P+wy+Houston+TX+77054>)

(713) 755 6965
voters@harrsvotes.com
(ma_to_voters@harrsvotes.com)

ADA Coordinator: Rache Brown
(713) 755 6965
ada@ccoctx.net
(ma_to_ada@ccoctx.net)

[Voter Outreach \(/Outreach\)](#)
[Feedback \(/Outreach/#Feedback\)](#)

[Career Opportunities](#)
(https://www.governmentjobs.com/careers/harriscountytexas?department=01_County%20Clerk%27s%20Office&sort=PostonT)



Social Media

[Twitter](#)
(<https://twitter.com/HarrisVotes?lang=en>)
 [Facebook](#)
(<https://facebook.com/harrsvotes>)
 [Instagram](#)
(<https://instagram.com/harrsvotes>)



Ballot By Mail

1001 Preston, 4th Floor, Rm. 440
Houston, TX 77002
(<https://www.google.com/maps/d/r/Current+Location/1001+Preston+St+Houston,+TX+77002/@/>)
(713) 755 3150
BBM@ccoctx.net
(ma_to_BBM@ccoctx.net)



County Clerk Main Office

201 Caroline, 4th Floor, Rm. 460
Houston, TX 77002
(<https://www.google.com/maps/d/r/Current+Location/201+Caroline+St+Houston,+TX+77002/@/>)
(713) 274 8600